

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jeffrey L. Bailey and Marlon E. Carter,

Civil No. 19-1024 (DWF/TNL)

Plaintiffs,

v.

ORDER

Metropolitan Council, et al.,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Tony N. Leung dated December 3, 2019. (Doc. No. 147.) No objections have been filed to that Report and Recommendation in the time period permitted. The relevant factual and procedural background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Leung's December 3, 2019 Report and Recommendation (Doc. No. [147]) is **ADOPTED**.

2. Defendants' Teamsters Local 120 and Troy D. Gustafson's Motion to Dismiss (Doc. No. [11]) is **DENIED AS MOOT**.

3. Defendants' First Transit, Inc., the Metropolitan Council, Tim Ogren, Patricia Vold, and Dean Vinge's Motion to Dismiss Plaintiffs' Amended Complaint (Doc. No. [17]) is **DENIED AS MOOT**.

4. Defendant Don Johnson's Motion to Dismiss Plaintiffs' Amended Complaint (Doc. No. [79]) is **DENIED AS MOOT**.

5. Plaintiffs' motions to deny the motions to dismiss (Doc. Nos. [59], [65], and [96]) are **DENIED AS MOOT**.

6. Plaintiffs' Motions for Restraining Order on Brian Hentosz (Doc. Nos. [32] and [40]) are **DENIED**.

Dated: January 10, 2020

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge